IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

GUARDIANSHIP PETITION NO.106 OF 2003

Smt.Chandra Dilamma Abraha Bousapnoor ...Petitioner.
....
Kumari Sarita Gyansunder.
Kumari Villena Gyansunder. ...Minors.
.....
None for the Petitioner.
Mr. T.J. Pandian for the Central Railways.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

December 17, 2004.

P.C.:

This application has been moved on a praecipe filed by Mr. T.J. Pandian, Advocate appearing on behalf of the Central Railway.

2. The Guardianship Petition was made absolute by an order dated 11th November 2003 in terms of prayer clauses (a), (b) and (c ) of the petition which are as follows :

> "(a) That this Hon'ble Court be pleased to appoint the Petitioner as guardian of the minors and the dues accruing from the Central Assistant Personnel Office (W), 3rd Floor, Divisional Railway Manager's Office, Central Railway, Mumbai C. S. T.400 001 which are the death benefits to the children Kumari Sarita and Villena

without security and remuneration.

(b) That this Hon'ble Court be pleased to direct the authorities of Central Railway i.e. Assistant Personnel Office (W), 3rd Floor, Divisional Manager's Office, Central Railway, Mumbai C. S.T. 400 001 to forward the dues and also any other amounts payable to the minors to the Accounts Officer, High Court, Bombay.

(c ) That this Hon'ble Court may be pleased to direct the Accounts Officer, High Court, Bombay to allow the Petitioner to withdraw the said amounts."

3. In the praecipe, it has been stated that the Central Railway has deposited an amount of Rs.47,241/- with the Accounts Officer, High Court, on 22nd April 2004 towards the settlement dues payable to the deceased employee. The pension amount has not been deposited since in accordance with the rules of the Railways, this would be required to be sent to a Nationalised Bank. Hence, it has been submitted in the praecipe that the Petitioner as a guardian of the minors would be required to open a Pension Account with a Nationalised Bank and will have to fill up required forms in the office of the Central Railway. It is stated that this procedure will be followed by calling the Petitioner to complete the formalities in their office. A clarification has been sought to the aforesaid extent of the relief which has been granted in terms of

prayer clause (b).

4. In my view, there is no reason why the clarification as sought by the Central Railway Authorities should not be granted. The Competent Authority in the Central Railways is accordingly permitted to act in accordance with the proposed course of action as suggested in the praecipe dated 6th December 2004. The Central Railways shall duly intimate the Petitioner of the course of action which is now required to be followed in order to ensure the disbursal of the pensionary dues of the deceased to an account to be opened in a Nationalised Bank. Counsel appearing on behalf of the Central Railway undertakes to inform both, the Petitioner and her Advocate of the clarification thus issued.

5. The parties to act on an ordinary copy of this order duly authenticated by the office of this Court.

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